



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JAN 12 2005

MORRISON & FOERSTER LLP  
3811 VALLEY CENTRE DRIVE  
SUITE 500  
SAN DIEGO CA 92130-2332

In re Application of: : DECISION ON PETITION TO  
Micheal L. Gruenberg : WITHDRAW THE HOLDING  
Serial No.: 08/700,565 : OF ABANDONMENT  
Filed: July 25, 1996 :  
Attorney Docket No.: 6870-500B :

This is in response to applicant's petition under 37 CFR § 1.181(a) filed on December 21, 2004, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed May 26, 2004.

A review of the file history shows that the examiner mailed an Office action to applicants on May 26, 2004, setting a one-month statutory time period for reply. On December 2, 2004, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicant states that a response to the Office action was timely filed on November 24, 2004 as evidenced by a copy of the USPTO date-stamped receipt card and the Express Mail receipt. A copy of the response is also provided. In view of this evidence, applicant is considered to have submitted a timely reply.

Applicant's petition is **GRANTED**. The application is restored to pending status with the mailing date of this decision and will be forwarded to the examiner for consideration of the response of November 24, 2004.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

*Marianne C. Seidel Jr.*

Jasemine C. Chambers  
Director, Technology Center 1600